

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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<b>PATRICK RADDEN KEEFE</b>	:	
<i>Plaintiff,</i>	:	
- v. -	:	1-21-cv-5450
<b>FEDERAL BUREAU OF INVESTIGATION,</b>	:	
<i>Defendant.</i>	:	

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**COMPLAINT**

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to order the production of Federal Bureau of Investigation (“FBI”) records concerning deceased former CIA employees Edwin P. Wilson and Frank Terpil. Defendant FBI has withheld these records despite a properly filed FOIA request.

**PARTIES**

2. Defendant FBI is an agency of the United States with possession and control of the records sought by Plaintiff.
3. Plaintiff Patrick Radden Keefe is a National Magazine Award winning investigative journalist and author, currently working on a book for Doubleday that will explore whether two former CIA agents went rogue in the 1970’s.

**JURISDICTION AND VENUE**

4. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

5. Keefe's residence and principal place of business are in the Southern District of New York and therefore venue is appropriate under 5 U.S.C. § 552(a)(4)(B).

## **FACTS**

### **Background of FOIA Requests**

6. Edwin P. Wilson was a former CIA and Office of Naval Intelligence officer who was convicted in 1983 of illegally selling weapons to Libya, despite his claims that he was working covertly for the CIA.
7. Wilson's convictions were overturned in 2003 after it was discovered that the government misled the court with respect to his relationship with the CIA.
8. Frank E. Terpil was a former CIA agent who, after leaving the agency, worked for Wilson. Upon indictment, he fled to Lebanon, and was tried and sentenced in absentia to fifty-three years of imprisonment.
9. Wilson died in September 2012 and Terpil is reported to have died in March 2016 in Cuba.
10. Insight into the investigation of these two men is critical to understanding an important juncture in the history of the CIA.

### **FOIA Requests and Constructive Denial**

11. On December 3, 2015, Keefe submitted a FOIA request to the FBI seeking Wilson's entire FBI file and any additional records relating to him.
12. On June 21, 2016, Keefe submitted a FOIA request to the FBI seeking Terpil's entire FBI file and any additional records relating to him.
13. The Wilson and Terpil requests were acknowledged by the FBI and assigned tracking numbers 1341068-000 (Wilson) and 1352979-001 (Terpil).
14. In the ensuing half decade, the FBI has failed to provide – or formally deny – any records to

Keefe. Upon a request for an update, a Public Information Officer informed Keefe that the Wilson request remained in preprocessing and that the Terpil request was estimated to be completed in September 2023.

**CAUSE OF ACTION**

**Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records**


15. Plaintiff repeats and realleges paragraphs 1-14.
16. The FBI has failed to provide - or formally deny - documents within twenty working days, and therefore has constructively denied the Request under 5 U.S. Code § 552(a)(6)(A)(ii).
17. Plaintiff has exhausted all administrative remedies.

**REQUESTED RELIEF**

WHEREFORE, Plaintiff requests this Court:

- (A) Order Defendant to provide access to the requested documents in their entirety;
- (B) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (C) Award Plaintiff costs and reasonable attorney fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (D) Grant such other and further relief as may deem just and proper.

Dated: June 21, 2021

By: 

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